

**HOUSE JOURNAL**  
**of the**  
**STATE OF TENNESSEE**  
**TUESDAY, JANUARY 13, 1998**  
**FIFTY-SECOND LEGISLATIVE DAY**

The House of Representatives of the One Hundredth General Assembly of the State of Tennessee was called to order at twelve o'clock noon by Speaker Naifeh, in accordance with Article II, Section 8 of the Constitution of the State of Tennessee and pursuant to House Joint Resolution 423.

The proceedings were opened with prayer by Pastor Joseph W. Walker, III, Mt. Zion Missionary Baptist Church, Nashville, Tennessee.

Representative Langster led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Eckles; personal reasons

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1899:** Rep(s). Cole(Carter) as prime sponsor(s).

### SPONSORS REMOVED

**House Bill No. 640:** Rep(s). Robinson as prime sponsor(s).

### INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 400** -- General Assembly, Directed Studies - Directs black health care commission to promulgate and implement policies and procedures to encourage minority physicians to establish primary care practices in communities underserved by health care providers, and especially underserved African-American communities. by \*Armstrong, \*Brown, \*DeBerry L, \*Turner (Shelby), \*DeBerry J, \*Jones U (Shelby), \*Towns, \*Cooper B, \*Langster, \*Pruitt, \*Brooks.

Health & Human Resources Committee

**House Joint Resolution No. 417** -- General Assembly, Studies - Creates special joint committee to study historic zoning and preservation of historic buildings and neighborhoods. by \*Cooper B, \*Miller L, \*Bowers.

State & Local Government Committee

### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 14, 1998:

**House Joint Resolution No. 424** -- Memorials, Public Service - Bob Couch, "Mr. Democrat 1998." by \*Lewis.

**House Joint Resolution No. 425** -- Memorials, Public Service - Betty Wilhelm, "Mrs. Democrat of 1998." by \*Lewis.

**House Joint Resolution No. 427** -- Memorials, Public Service - Robert Kirk Walker, Sr. by \*Rhinehart.

**House Joint Resolution No. 428** -- Memorials, Academic Achievement - McGavock High School Band. by \*West.

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**House Joint Resolution No. 429** -- Memorials, Death - Capt. Joe M. "Joey" McDowell, Dyersburg Police Department. by \*Cole (Dyer).

**House Joint Resolution No. 430** -- Memorials, Retirement - Glen Stewart, Columbia Central High School principal. by \*Sands.

**House Joint Resolution No. 431** -- Memorials, Death - Curtis Person, Sr. by \*Scroggs.

**House Joint Resolution No. 432** -- Memorials, Personal Achievement - Elizabeth Shelly, Thinkquest award winner. by \*Hargett.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**\*Senate Joint Resolution No. 175** -- General Assembly, Studies - Creates special joint committee to study consumer access to information relative to health care professionals and entities. by \*Dixon, \*Harper.

Health & Human Resources Committee

**\*Senate Joint Resolution No. 236** -- Highway Signs - "Kelley Creek Bridge," S.R. 99, Rutherford County. by \*Womack.

Transportation Committee

**\*Senate Joint Resolution No. 242** -- General Assembly, Studies - Creates special joint committee to study fire and building inspector certification. by \*Davis L.

Commerce Committee

**\*Senate Joint Resolution No. 244** -- General Assembly, Studies - Creates special joint committee to study use of eminent domain. by \*Crutchfield.

State & Local Government Committee

**\*Senate Joint Resolution No. 259** -- General Assembly, Statement of Intent or Position - Expresses support for National Spallation Neutron Source to be constructed at ORNL and construction of Joint Institute for Neutron Science to be constructed by ORNL and University of Tennessee. by \*McNally.

Commerce Committee

**\*Senate Joint Resolution No. 329** -- General Assembly, Statement of Intent or Position - Urges state to develop parcel level geographic information system; urges department of finance and administration in consultation with comptroller to set standards. by \*Rochelle.

State & Local Government Committee

**\*Senate Joint Resolution No. 334** -- Highway Signs - Provides for erection of directional signs on I-40 indicating that I-840W is route to Murfreesboro. by \*Womack.

Transportation Committee

**\*Senate Joint Resolution No. 335** -- Highway Signs - Provides for erection of directional signs on I-24 indicating that I-840E is route to Murfreesboro. by \*Womack.

Transportation Committee

**\*Senate Joint Resolution No. 349** -- Highway Signs - "Guy E. Bates, Sr. Highway," segment of S.R. 65 (Whites Creek Pike), Davidson County. by \*Haynes, \*Henry, \*Harper.

Transportation Committee

### **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1938** -- Motor Vehicles - Permits 10 percent weight variance for trucks on state and county roads when carrying corn, corn meal, rice meal, bulk wheat and flour, vegetable oil, and potatoes to food processing plant or mill. Amends TCA Title 55. by \*Phillips.

**\*House Bill No. 1939** -- Utilities, Utility Districts - Requires board members of certain utility districts located in Bedford County to be high school graduates. Amends TCA Section 7-82-307. by \*Phillips.

**House Bill No. 1943** -- Firearms and Ammunition - Permits handgun applicant to post a \$50,000 bond with department of safety and in so doing waive background check requirement, permit to be issued directly by department. Amends TCA Section 39-17-1351. by \*Hargrove.

**House Bill No. 1944** -- Real Estate Agents and Brokers - Authorizes brokers and affiliate brokers to register contract or memorandum for payment of commissions for sale or lease of commercial property. Amends TCA Title 62, Chapter 13, and Title 66. by \*Hargrove.

**House Bill No. 1947** -- Planning, Public - Empowers chief legislative body in Lakeland to appoint and remove municipal planning commission members. Amends TCA Section 13-4-101. by \*Haley.

**\*House Bill No. 1968** -- Education - Adds American Home School Association, Inc. to list of entities which are authorized to accredit church-related schools. Amends TCA Section 49-50-801. by \*Turner (Shelby).

**\*House Bill No. 1973** -- Agriculture - Exempts from agricultural regulatory fees nursery and plant dealers having annual sales of less than \$2,500. Amends TCA Section 43-1-703. by \*McKee.

**House Bill No. 1995** -- Taxes, Real Property - Deems residential real property to have no value if occupied by owner as primary residence and located in clear zone or buy-out area established in connection with Shelby County Airport Noise Compatibility Program; makes retroactive to date program established. Amends TCA Title 67, Chapter 5, Part 6. by \*Bowers.

**House Bill No. 2035** -- County Officers - Permits increase of county officials' salaries upon resolution of county legislative body of Williamson County. Amends TCA Title 8, Chapter 24. by \*Sargent, \*Williams (Williamson).

**\*House Bill No. 2037** -- Taxes, Excise - Exempts producers of natural gas from franchise and excess taxes if producer either produces natural gas valued in excess \$100,000 or has gas production infrastructure valued at \$100,000 or more. Amends TCA Title 60 and Title 67. by \*Cole (Dyer), \*Head, \*Pruitt, \*Miller L, \*DeBerry L, \*Ritchie, \*Armstrong, \*Tindell.

**\*House Bill No. 2038** -- Judges and Chancellors - Creates new position of chancellor in fifth judicial district effective 9/1/98, to be filled by August 1998 general election; provides that chancellor currently serving both fourth and fifth districts will, after such date, serve only fourth district. Amends TCA Section 16-2-506(4)(A) and (5)(A). by \*Clabough.

**House Bill No. 2039** -- Knox County - Subject to local approval, creates Division VI of general sessions court; creates position of general sessions judge to serve such division Amends Chapter 54, Private Acts of 1939, as amended. by \*Ritchie.

**\*House Bill No. 2040** -- Courts, Circuit - Creates position of circuit court judge in sixth judicial district, with such position to be filled by election at August 1998 general election Amends TCA Title 2, Chapter 13 and Section 16-2-506. by \*Ritchie.

**\*House Bill No. 2041** -- DUI/DWI Offenses - Deletes requirement that person convicted of DUI must be informed in writing of penalty for second and subsequent convictions. Amends TCA Title 55, Chapter 10, Part 4. by \*Halteman Harwell.

**\*House Bill No. 2042** -- DUI/DWI Offenses - Requires all prior convictions committed while adult for DUI, vehicular assault, vehicular homicide by intoxication and aggravated vehicular homicide be counted when determining if person convicted of DUI is multiple offender subject to enhanced punishment. Amends TCA Section 55-10-403. by \*Halteman Harwell.

**House Bill No. 2043** -- Highway Signs - "Ernest 'Chip' Koella IV Memorial Bridge, S.R. 33, Little River, Blount County. by \*Clabough.

**\*House Bill No. 2044** -- Insurance Companies, Agents, Brokers - Enacts "Insurance Sales Consumer Protection Act of 1998." Amends TCA Title 56 and Title 45, Chapter 2, Part 11. by \*Rhinehart.

**House Bill No. 2045** -- Marion County - Subject to local approval, effective 9/1/98, makes general sessions judge full time position; compensates such judge same as judge with equal jurisdiction in Class 3 county. Amends Chapter 177 of the Private Acts of 1980. by \*Rhinehart.

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**House Bill No. 2046** -- Warren County - Subject to local approval, removes requirement that office of superintendent of roads be located at county courthouse. Amends Chapter 61 of the Private Acts of 1959. by \*Rhinehart.

**House Bill No. 2047** -- Warren County - Subject to local approval, removes requirement that office of superintendent of roads be located at county courthouse. Amends Chapter 61 of the Private Acts of 1959. by \*Rhinehart.

**\*House Bill No. 2048** -- Loan Companies - Increases permissible bad check fee from \$15.00 to amount not to exceed \$20.00. Amends TCA Section 45-5-403(7). by \*Rhinehart.

**House Bill No. 2049** -- Coffee County - Abolishes part-time juvenile court; creates new general sessions court judgeship which will have juvenile court jurisdiction. Repeals Chapter 376, Private Acts of 1953, as amended. by \*Lewis.

**\*House Bill No. 2050** -- Sunset Laws - Aquaculture advisory board, June 30, 1999. Amends TCA Title 4, Chapter 29. by \*Kernell.

**\*House Bill No. 2051** -- Sunset Laws - Goodwyn institute commission, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 50. by \*Kernell.

**\*House Bill No. 2052** -- Sunset Laws - Cragfont restoration commission, June 30, 2006; prohibits new members from being appointed; terminates commission when not enough members for quorum. Amends TCA Title 4, Chapter 13 and Title 4, Chapter 29. by \*Kernell.

**\*House Bill No. 2053** -- Sunset Laws - Cordell Hull birthplace advisory council, June 30, 2006. Amends TCA Title 4, Chapter 13 and Title 4, Chapter 29. by \*Kernell.

**\*House Bill No. 2054** -- Sunset Laws - Sam Davis memorial association, board of trustees, June 30, 2006. Amends TCA Title 4, Chapter 13 and Title 4, Chapter 29. by \*Kernell.

**\*House Bill No. 2055** -- Sunset Laws - Historical commission, June 30, 2006. Amends TCA Title 4, Chapter 11 and Title 4, Chapter 29. by \*Kernell.

**\*House Bill No. 2056** -- Sunset Laws - State board for licensing contractors, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 6. by \*Kernell.

**\*House Bill No. 2057** -- Sunset Laws - Employment security advisory council, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 50, Chapter 7. by \*Kernell.

**\*House Bill No. 2058** -- Sunset Laws - Board of review, department of employment security, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 50, Chapter 7. by \*Kernell.

**\*House Bill No. 2059** -- Sunset Laws - Appeals tribunal, department of employment security, June 30, 2004. Amends TCA Title 4, Chapter 29; Title 50, Chapter 7. by \*Kernell.

**\*House Bill No. 2060** -- Sunset Laws - Department of employment security, June 30, 2004. by \*Kernell.

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**\*House Bill No. 2061** -- Sunset Laws - Sex offender treatment board, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 39, Chapter 13. by \*Kernell.

**\*House Bill No. 2062** -- Sunset Laws - Board of trustees of the baccalaureate education system trust board, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 7. by \*Kernell.

**\*House Bill No. 2063** -- Sunset Laws - Tennessee wars commission, June 30, 2005. Amends TCA Title 4, Chapter 29. by \*Kernell.

**\*House Bill No. 2064** -- Sunset Laws - Terminates modular building units advisory council. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 126. by \*Kernell.

**\*House Bill No. 2065** -- Sunset Laws - Agriculture hall of fame, board of governors, June 30, 2007. Amends TCA Title 4, Chapter 29. by \*Kernell.

**\*House Bill No. 2066** -- Sunset Laws - Tennessee motor vehicle commission, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 55, Chapter 17. by \*Kernell.

**\*House Bill No. 2067** -- Sunset Laws - Tennessee life and health insurance guaranty association, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 56, Chapter 12. by \*Kernell.

**\*House Bill No. 2068** -- Sunset Laws - Viticulture advisory board, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 30. by \*Kernell.

**\*House Bill No. 2069** -- Sunset Laws - Terminates presidential landmark commission, June 30, 1998. Amends TCA Title 4, Chapter 29. by \*Kernell.

**\*House Bill No. 2070** -- Sunset Laws - State agencies publication committee, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 12, Chapter 7. by \*Kernell.

## **REGULAR CALENDAR**

**\*House Bill No. 1778** -- Tort Liability - Enacts "Amusement Operator Safety and Liability Act." Amends TCA Title 29, Chapter 34. by \*Patton. (SB1902 by \*Crowe)

Further consideration of House Bill No. 1778, previously considered on May 22, 1997, and May 29, 1997, and reset to today's Calendar.

Rep. Patton moved that House Bill No(s). 1778 be reset for the Regular Calendar on Wednesday, January 27, 1998, which motion prevailed.

**UNFINISHED BUSINESS**

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on January 14, 1998:

**House Bill No. 401**; by Rep. Westmoreland

**VETO MESSAGE ON HOUSE BILL NO. 612**

The Clerk read the veto message on House Bill No. 612 in accordance with Rule No. 78 and the same is spread below.

**MESSAGE FROM THE GOVERNOR**

**June 13, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 612 with his veto.

COURTNEY PEARRE, Counsel to the Governor.

**GOVERNOR'S STATEMENT ON HOUSE BILL NO. 612**

**June 13, 1997**

I am vetoing House Bill No. 612. The Tennessee Regulatory Authority was established so that it could function as an independent regulatory agency, free of politics. HB 612, if signed into law, would represent an erosion of one of the basic principles behind the establishment of the Tennessee regulatory Authority. Accordingly, I am returning HB 612.

**REPORT FILED**

The State of Tennessee Treasurer's Report for 1997 was submitted and filed with the Chief Clerk's Office.

**BILLS WITHDRAWN**

On motion of Rep. Williams, **House Bill No(s). 275 and 648** was recalled from the State & Local Government Committee and withdrawn from the House.

On motion of Rep. Williams, **House Resolution No. 129** was withdrawn from the House.



**ROLL CALL**

The roll call was taken with the following results:

Present ..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Ham), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**RECESS MOTION**

On motion of Rep. Hargrove, the House recessed until 2:00 p.m., Wednesday, January 14, 1998.